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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,001	11/30/2001	Toshiteru Takano	914-146	7244

23117 7590 09/29/2005

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,001	TAKANO, TOSHITERU	
	Examiner	Art Unit	
	James S. McClellan	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Amendment

1. Applicant's submittal of an amendment was entered on July 11, 2005, wherein:

claims 1-20 are pending and

claims 1, 2, 8, 9, and 12-15 have been amended.

The replacement drawing (Figure 1) submitted on 7/11/05 is approved for entry.

Claim Objections

2. Claims 1, 8, 12, 14, and 15 are objected to because of the following informalities: the claims require that the first (rental) and second (return) terminals "can be" installed spatially or apart from each other. The Examiner recommends deleting the term "can be" from claims 1, 8, 12, 14, and 15. It does not appear possible for the first and second terminals to occupy the exact same space. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 5-8, 11-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreign Patent Publication No. WO 9735311 (hereinafter "Allen") in view of U.S. Patent No. 5,699,262 (hereinafter "Lang").

Allen discloses a content program distributing and returning system including a first terminal as clearly set forth in page 12, line 5 through page 13, line 23, page 17, lines 8-28, and page 37, line 4 through page 45, line 24.

Allen fails to disclose the use of a second terminal that executes a process for disabling reading of the content program stored in said prescribed memory and said second terminal is unable to execute rental of the content program by storing the content program in the prescribed memory. It is noted that Allen disclose a single terminal (123) for both renting/manufacturing and receiving returns of movie rentals.

Lang disclose a terminal for that executes a process for disabling reading of the content program stored in said prescribed memory and said second terminal is unable to execute rental of the content program by storing the content program in the prescribed memory (see Figure 7; column 17, #339, "checked into inventory").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen with a separate terminal for processing returned rentals as taught by Lang, because incorporating individual return units provide the customer with a greater number of return locations. The combination rent and return unit of Allen includes more features (for example, means for video recording) that are more expensive than a single unit for processing returns. Therefore, a greater number of less expensive return only terminals could be implemented to improve customer service regarding movie rental returns.

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5. Claims 2, 3, 9, 10, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Lang as applied to claims 1, 5-8, 11-15, and 18-20 above, and further in view of U.S. Patent No. 6,317,722 (hereinafter "Jacobi").

As noted above, Allen in combination with Lang teaches all the features of the claimed invention with the exception of the second terminal storing information of recommended content programs to the prescribed memory, as set forth in claims 2, 9 and 16 of the instant application.

On the other hand, Jacobi is submitted to teach such a feature. Applicant's attention is invited to the abstract of the disclosure as well as col. 2, line 33 through Col. 4, line 34.

Accordingly, to provide the second terminal of Allen with stored second terminal information of recommended content programs to the prescribed memory, as suggested by Jacobi et al., would have been obvious for one having ordinary skill in the art at the time of the invention. The motivation for such a change would have been to increase the revenue of the merchant as well as aid the shopper in making additional selections.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Lang as applied to claims 1, 5-8, 11-15, and 18-20 above, and further in view of U.S. Patent No. 6,055,314 (hereinafter "Simon").

Allen teaches all the features of the claimed invention with the exception of the first terminal storing the content program and a key necessary for reading the content program simultaneously in said prescribed memory; and the second terminal executes the process for disabling reading of the content program stored in said prescribed memory by destroying the key.

However, Simon et al. is submitted to teach such a feature; in particular col. 2, line 26 through col. 3, line 51. Accordingly, to provide Allen with the first terminal storing the content program and a key necessary for reading the content program simultaneously in said prescribed memory; and the second terminal executes the process for disabling reading of the content program stored in said prescribed memory by destroying the key, as suggested by Simon et al., would have been obvious for having ordinary skill in the art at the time of the invention. The motivation for such a change would have been that all long-term keys are easily revocable by the video content provider. This ensures that any successful attack at one specific system component can be contained.

Response to Arguments

7. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive.

Applicant's arguments are moot in view of the new grounds of rejection necessitated by Applicant's amendment.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

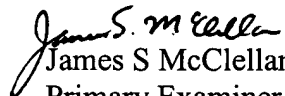
Brady et al., Kanoh et al., Allen, Bradt et al., and O'Neil et al. are cited of interest for disclosing a system for vending movie rentals.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

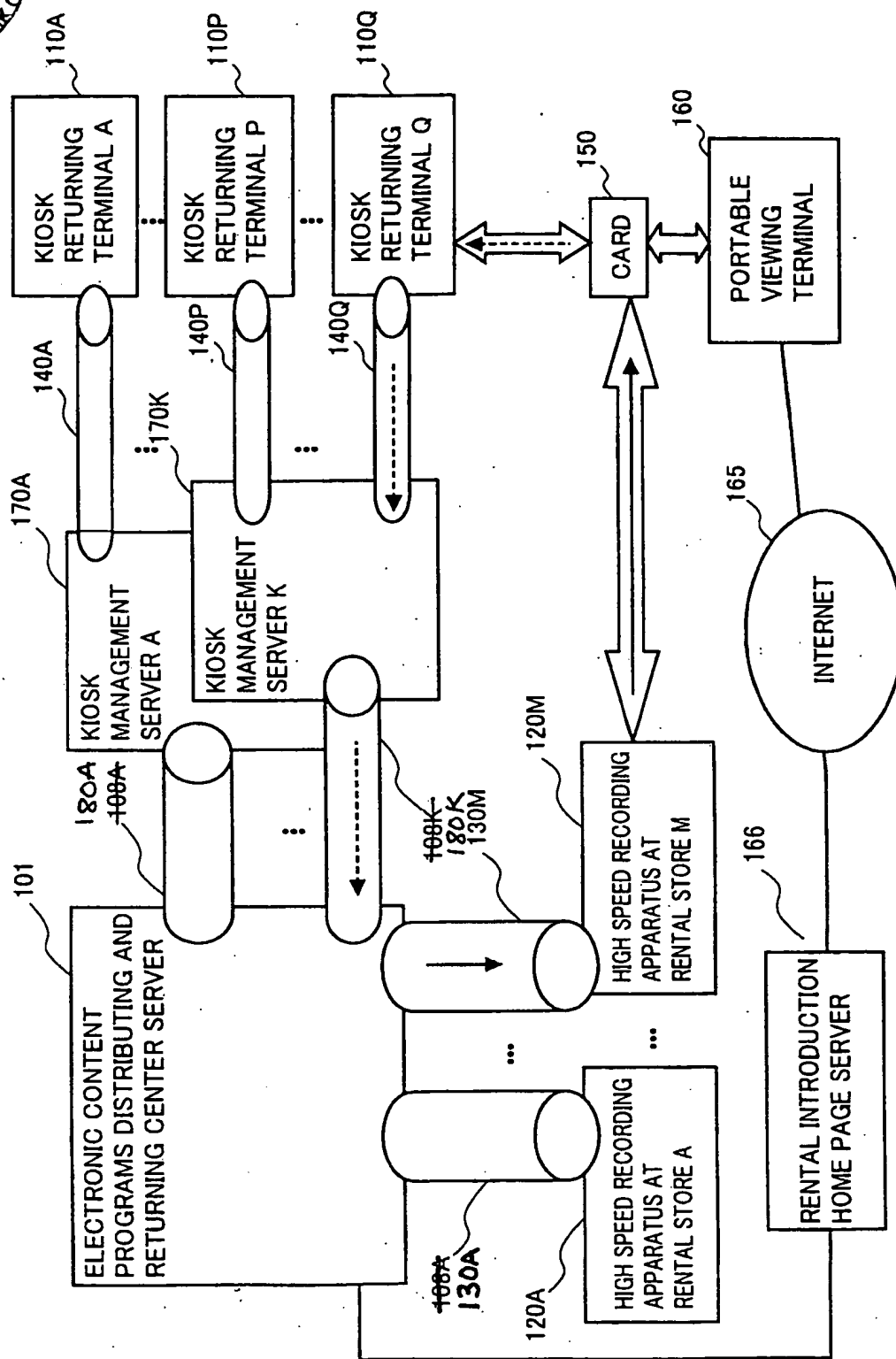
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James S McClellan
Primary Examiner
Art Unit 3627

jsm
9/26/05



FIG. 1



Approved for
Entry
7/11/05